

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ANTERO RESOURCES CORPORATION, §
§
Plaintiff, §
§
v. §
§
C&R DOWNHOLE DRILLING INC., ET AL. §
§
Defendants/Third-Party Plaintiffs, § CIVIL ACTION NO. 4:16-CV-668-Y
§
v. §
§
JOHN KAWCAK, §
§
Third-Party Defendant. §

DEFENDANTS/THIRD-PARTY PLAINTIFFS' THIRD-PARTY COMPLAINT

Defendants/Third-Party Plaintiffs Tommy Robertson (“Robertson”), C&R Downhole Drilling, Inc., C&R Downhole Drilling, LLC, Black Diamond Hot Shot, LLC, STRC Oilfield Technology, LLC, and Big Tex Well Services, LLC (collectively, the “Corporate Defendants” and, collectively with Robertson, the “Defendants”) file this Third-Party Complaint in light of Plaintiff’s Third Amended Complaint (Doc. 343) filed by Plaintiff Antero Resources Corporation (“Plaintiff”) against Defendants, and state as follows:

I.
JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1332(a)(1). The Court has subject matter jurisdiction over the claim asserted in this Third-Party Complaint pursuant to 28 U.S.C. § 1367(a).

2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(a) because Defendants and the Third-Party Defendant have their residence in this judicial district.

II.
THIRD PARTY COMPLAINT FOR CONTRIBUTION

3. Defendants as third-party plaintiffs refer to and hereby incorporates by reference Plaintiff's Third Amended Complaint (Doc. 343)(the "Complaint"), attached hereto as Exhibit A, and each and every allegation therein, not for the truth of the matters alleged therein, but as determining the relief sought against them by Plaintiff. Defendants do not concede the truth of the facts alleged in the Complaint and plead them here in their Third-Party Complaint only in the alternative to their denial of all liability to Plaintiff. This Third-Party Complaint is filed subject to Defendant Tommy Robertson's Motion to Dismiss (Doc. 346) and the Corporate Defendants' Motion to Dismiss and Brief in Support (Doc. 349), which seek dismissal of all secondary and derivative claims brought by Plaintiff against Defendants.

4. John Kawcak ("Kawcak") is an individual and citizen of Texas residing in Tarrant County, Texas. Kawcak may be served with process by delivering this Third-Party Complaint and summons to him at his residence, 9129 Westwood Shores Drive, Fort Worth, Texas 76179, or wherever he may be found.

5. Defendants sue Kawcak here as a third-party defendant who is or may be liable to Defendants for all or part of the claims against them by Plaintiff.

6. In the Complaint, Plaintiff alleges that Kawcak and Defendants acted as joint tortfeasors.

7. In the Complaint, Plaintiff alleges that Kawcak was its officer or employee, and breached a duty or caused harm to Plaintiff for which Plaintiff seeks to recover against Defendants.

8. In the Complaint, Plaintiff seeks a judgment against Defendants which would have the effect of discharging liability of Kawcak to Plaintiff.

9. To the extent the jury finds liability and assesses damages against Defendants on

the common law claims in the Complaint, Defendants request that Kawcak contribute to any judgment in favor of Plaintiff and against Defendants to the extent of Kawcak's proportionate fault.

10. Pursuant to West Virginia and Colorado law to the extent applicable Defendants request that the jury determine proportionate fault between them and Kawcak.

11. Defendants request that the jury determine proportionate fault between them and Kawcak.

12. Kawcak is liable to Defendants in contribution for any judgment in favor of Plaintiff and against Defendants in excess of that Defendant's pro rata share of proportionate fault.

III.
REQUEST FOR RELIEF

Considering these premises, Defendants request that this Honorable Court enter judgment for them against Kawcak as follows:

- A. Contribution damages for any judgment against any Defendant in excess of that Defendant's pro rata share of proportionate fault; and,
- B. Such other relief to which this Court finds that they are entitled to under law or equity.

Respectfully submitted.

/s/ Jacob B. Kring _____

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**ATTORNEYS FOR CORPORATE
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CERTIFICATE OF SERVICE

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